IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 5110 of 2006

AGAINST THE ORDER IN CC 2 /1990 IN
LP.15/1991 of J.M.F.C.-II,PERINTHALMANNA

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PETITIONER/2ND ACCUSED:

KOOLATH SIDHIQUE, S/O.KUNJAMMEDKUTTY
KOOLATH HOUSE, MANNARMALA P.O.,
PATTIKKADU, MALAPPURAM.

BY ADV. SMT.K.V.RESHMI
SRI.ARUL GEORGE SCARIA

RESPONDENTS: STATE & COMPLAINANT:

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1. THE STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE S.I. OF POLICE, MELATTUR
POLICE STATION.

3. ARABI MOIDEEN, S/O. MAYAN,
ARABIVEEDU, KARYAVATTOM, MANNARMALA,
MALAPPURAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5110/2006

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioner was the second accused, in C.C.No.52/1989 on the file of the Judicial Magistrate of First Class-II, Pernthalmanna. He was absconding. So was also some other accused. There were four accused. Therefore, although C.C.No.52/1989 was proceeded with and judgment pronounced, the case against the other accused was split up and re-filed as C.C.No.2/1990. Meanwhile, one Basheer surrendered before the Court below. Therefore, the case against him was re-filed as 169/2006. The counsel submitted, relying on Annexure-II judgment in C.C.No.169/2006 as well as relying on the judgment in C.C.No.52/1989, which is not produced before me, that the other co-accused were acquitted.

2. The petitioner was absconding. Therefore, his case was split up and put as L.P.No.15/1991. Now he is before this Court, praying to allow him to surrender and

face the trial, so that the arrest warrant, issued against him, may not be executed.

3. Considering the materials on record, I direct the petitioner to surrender before the Judicial Magistrate of First Class-II, Perinthalmanna, in C.C.No.2/1990 (L.P.No.15/1991) on 28.8.2006, and the learned Magistrate shall proceed with the trial of the case.

4. If an application for bail is filed by the petitioner, the learned magistrate shall consider the same on merit, and pass orders on the same day of his surrender.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs